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R e m a r k s

Claims 1-20 are pending in the application.

Restriction under 35 U.S.C. 121 is required to one of the following inventions:

I. Claims 1-7 and 17-19 drawn to Application program interface, classified in class 719, subclass 328; and

II. Claims 8-16 and 20 drawn to computer monitoring classified in class 709, subclass 224.

The Examiner states that the inventions are distinct from each other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The Examiner further states that the subcombinations are distinct from each other if they are shown to be separately usable.

Applicants elect, with traverse, the claims of Group I, namely claims 1-7 and 17-19. Applicants respectfully request reconsideration of the restriction requirement, and request that the restriction requirement be withdrawn.

Applicants submit the restriction requirement is defective and that the Examiner has not properly established or satisfied the criteria for a proper requirement for restriction for at least the following reasons: Group I is directed toward an apparatus and method for operating an open API network having a proxy, including sending application programming interface commands received from an open API server to an application; and Group II is directed toward a system and method for operating an open API network having a proxy, including selectively sending application programming interface commands to an application. As such, Applicants respectfully submit that Groups I and II are directed toward a single invention.

Further, Applicants believe that the search and examination of the entire Application can be made "without serious burden to the Examiner." (See MPEP §803).

To the extent this restriction requirement is maintained by the Examiner, Applicants reserve the right to subsequently file a divisional application in order to prosecute the invention recited in the non-elected group of claims.

As such, and because of the above traversal, Applicants respectfully submit that the Right of Petition under 37 CFR §1.144 has been preserved.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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